

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT LEE LOPEZ,

Petitioner,

No. CIV S-04-1316 MCE JFM P

vs.

SCOTT KERNAN, Warden, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding through counsel with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order filed October 24, 2006, this matter was referred to the undersigned to set this matter for an evidentiary hearing or such other further factual development as may be necessary to determine whether petitioner is entitled to equitable tolling of the statute of limitations pursuant to the August 23, 2006, decision of the United States Court of Appeals for the Ninth Circuit. Accordingly, IT IS HEREBY ORDERED that:

1. This matter is set for status conference on Thursday, December 7, 2006, at 11:00 a.m. in Courtroom #27 before the undersigned; and

2. Counsel shall be prepared to discuss the scheduling of an evidentiary hearing, including, but not limited to, the anticipated witnesses.

DATED: November 13, 2006.

  
UNITED STATES MAGISTRATE JUDGE